

THE HONORABLE FRANKLIN D. BURGESS

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

WOODBURN CONSTRUCTION CO.,

Plaintiff,

v.

ENCON PACIFIC, LLC, dba Concrete  
Products of Western Washington, LLC; and  
CONCRETE PRODUCTS OF WESTERN  
WASHINGTON, LLC,

Defendants.

No. C05-5811FDB

**STIPULATION AND ORDER TO  
CONTINUE MOTION FOR PARTIAL  
SUMMARY JUDGMENT OF  
PLAINTIFF WOODBURN  
CONSTRUCTION CO. AGAINST  
ENCON WASHINGTON'S  
COUNTERCLAIMS**

ENCON WASHINGTON, LLC, fka  
CONCRETE PRODUCTS OF WESTERN  
WASHINGTON, LLC,

Counterclaimant,

v.

WOODBURN CONSTRUCTION CO.;  
COUNTY OF COWLITZ,  
WASHINGTON; and SAFECO  
INSURANCE COMPANY OF AMERICA,

Counterdefendants.

**STIPULATION AND ORDER TO CONTINUE MOTION FOR PARTIAL SUMMARY  
JUDGMENT OF PLAINTIFF WOODBURN CONSTRUCTION CO. AGAINST ENCON  
WASHINGTON'S COUNTERCLAIMS - 1**

**STIPULATION**

COME NOW the parties to this action by and through their respective counsel of record and do hereby stipulate as follows:

The parties are requesting extension of the summary judgment deadlines to allow Encon Washington, LLC ("Encon Washington") to take the depositions of plaintiff's employees that may have information relating to the issues raised in plaintiff's motion. Due to discovery not being complete, the parties respectfully request that Plaintiff's Motion for Partial Summary Judgment against Encon Washington's Counterclaims, currently noted for Friday, December 8, 2006, be continued to Friday, December 15, 2006. Additionally, the parties request the Court to continue Encon Washington's deadline to file an opposition to Plaintiff's Motion for Partial Summary Judgment, currently due Monday, December 4, 2006, to Monday, December 11, 2006. No other dates are requested to be extended or changed.

DATED: November \_\_\_\_\_, 2006.

STOEL RIVES LLP

STEWART SOKOL & GRAY LLC

/s/

/s/

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**STIPULATION AND ORDER TO CONTINUE MOTION FOR PARTIAL SUMMARY  
JUDGMENT OF PLAINTIFF WOODBURN CONSTRUCTION CO. AGAINST ENCON  
WASHINGTON'S COUNTERCLAIMS - 2**

1 COWLITZ COUNTY PROSECUTING  
2 ATTORNEY

3 /s/

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11 Attorney for Counterdefendant County of Cowlitz  
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**STIPULATION AND ORDER TO CONTINUE MOTION FOR PARTIAL SUMMARY  
JUDGMENT OF PLAINTIFF WOODBURN CONSTRUCTION CO. AGAINST ENCON  
WASHINGTON'S COUNTERCLAIMS - 3**

**ORDER**

THIS MATTER comes before the Court by stipulation of the parties requesting to continue the hearing date for Plaintiff's Motion for Partial Summary Judgment and to extend the deadline for Encon Washington, LLC's deadline to file its opposition to Plaintiff's Motion for Partial Summary Judgment.

IT IS HEREBY ORDERED that the aforementioned date be re-noted as follows:

1. Plaintiff's Motion for Partial Summary Judgment noted for calendar date: December 15, 2006.

2. Encon Washington, LLC's opposition to Plaintiff's Motion for Partial Summary Judgment due: December 11, 2006.

No other dates are requested to be extended or changed.

DATED this 21<sup>st</sup> day of November 2006.



FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE

Presented By:

/s/  
\_\_\_\_\_  
Thomas A. Larkin, WSBA No. 24515  
Arnold L. Gray, OSB No. 79247  
(Admitted Pro Hac Vice)  
Robert Coleman, OSB No. 00155  
(Admitted Pro Hac Vice)

Case 3:05-cv-05811-BHS Document 51 Filed 11/22/06 Page 5 of 7

/s/  
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 Guy A. Randles, WSB No. 15999  
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 Attorneys for Defendants/Counterclaimant

/s/  
 Ronald S. Marshall, WSBA No. 11662  
 Cowlitz County Prosecuting Attorney  
 Attorney for Counterdefendant County of Cowlitz Washington

## CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **STIPULATION AND ORDER TO CONTINUE MOTION FOR PARTIAL SUMMARY JUDGMENT OF PLAINTIFF WOODBURN CONSTRUCTION CO. AGAINST ENCON WASHINGTON'S COUNTERCLAIMS** on the following named person(s) on the date indicated below by

- ☐ mailing with postage prepaid
- ☐ hand delivery
- ☐ Facsimile transmission
- ☐ Overnight delivery
- ☐ Email
- ☒ Notice of electronic filing using the Cm/ECF system

to said persons indicated below.

**STIPULATION AND ORDER TO CONTINUE MOTION FOR PARTIAL SUMMARY  
JUDGMENT OF PLAINTIFF WOODBURN CONSTRUCTION CO. AGAINST ENCON  
WASHINGTON'S COUNTERCLAIMS - 5**

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8 DATED: November \_\_\_\_, 2006.

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**CERTIFICATE OF SERVICE - 3**